

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 WESTERN DIVISION

4 UNITED STATES OF AMERICA, Docket No. 3:19CR4

5 Plaintiffs, Toledo, Ohio

6 v. August 29, 2019

7 ELIZABETH R. LECRON,

8 Defendant.

9 -----

10 TRANSCRIPT OF CHANGE OF PLEA
11 BEFORE THE HONORABLE JAMES G. CARR
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 For the Plaintiffs: Michael J. Freeman
15 Office of the U.S. Attorney
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18 (419) 242-5675

19 For the Defendant:
20 Donna Grill
21 Office of the Federal Public Defender
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Proceedings recorded by mechanical stenography, transcript
produced by notereading.

1 COURTROOM DEPUTY: Case 3:19CR04, United States
2 of America versus Elizabeth Lecron, matter called for
3 arraignment on superseding information.

4 THE COURT: Record should show defendant's
5 present in court with her attorneys Donna Grill and
6 Claire -- I'm sorry, I've forgotten your last name.

7 MS. CAHOON: Cahoon, Your Honor.

8 THE COURT: Cahoon, C-A-H-O-O-N, not Calhoun but
9 Cahoon?

10 MS. CAHOON: That's correct, Your Honor.

11 THE COURT: And that the government's represented
12 by AUSAs Michael Freeman and Tracey Tangeman. Anybody else
13 at counsel table with you, counsel?

14 MR. FREEMAN: There is not, Your Honor.

15 THE COURT: Okay. It's my understanding two
16 things are expected to happen, but the first is that the
17 government is apparently going to file a superseding
18 information, and it's anticipated that the plaintiff will
19 waive the indictment and reading thereof and consent to
20 proceeding further on that -- those charges, which I will
21 have you summarize for her. And also, Ms. Grill, has your
22 client seen and read the superseding information?

23 MS. GRILL: Yes, Your Honor.

24 THE COURT: Okay. Ms. Lecron, is that correct,
25 have you read the superseding information?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And has Ms. Grill gone over it with
3 you?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Has she explained what it says and
6 what that means?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Did you -- do you understand it?

9 THE DEFENDANT: Yes.

10 THE COURT: You understand the nature of the
11 charges that it is making against you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Also, my understanding, second, that
14 the defendant anticipates offering -- offering a plea of
15 guilty to that rather than a plea of not guilty, so I'll
16 hold your plea in abeyance until we go through that
17 process. Won't be necessary, Ms. Grill, for you to offer a
18 plea until we've gone through the Rule 11 colloquy.

19 Before I proceed, I'm going to ask Deanna if
20 you'll swear the defendant in, please.

21 ELIZABETH R. LECRON,
22 was herein, called as if upon examination, was first duly
23 sworn, as hereinafter certified, and said as follows:

24 THE COURT: You may be seated. Okay.

25 Ms. Tangeman, Mr. Freeman, if you want to

1 proceed, have you already filed the superseding
2 information?

3 MR. FREEMAN: That is correct, Your Honor. About
4 roughly an hour ago the superseding information was filed,
5 which does replace the indictment in this particular case.
6 The superseding information is a -- is of two counts.

7 Count 1 of the superseding information is
8 conspiracy to provide material support or resources to
9 terrorists in violation of Title 18, United States Code
10 Section 2339A. The statutory penalties associated --
11 associated with that violation is a maximum term of
12 imprisonment of 15 years, maximum statutory fine of
13 \$250,000, maximum period of supervised release of life,
14 with a \$100 special assessment.

15 Count 2 of the superseding information that was
16 filed earlier today is transporting explosives in
17 interstate commerce, in violation of Title 18, United
18 States Code Section 844(d). The maximum term of
19 imprisonment for that subsection is ten years of
20 imprisonment, maximum statutory fine of \$250,000, a maximum
21 period of three years of supervised release, and a \$100
22 mandatory special assessment.

23 It's my understanding that the defendant will
24 plead guilty to both counts in the superseding information
25 today.

1 THE COURT: Okay. Did you hear what the
2 prosecutor just recited?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Does that accord with your
5 understanding of the charges contained in the superseding
6 information?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. And, once again, you've had an
9 opportunity to go over that document with your lawyer?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Okay. And you're fully satisfied
12 that you understand what the document says and what it
13 alleges?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And the consequences upon conviction?

16 THE DEFENDANT: Yes.

17 THE COURT: In other words, what happens if
18 you're convicted, potential penalties?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Okay. Do you want the document read
21 to you?

22 THE DEFENDANT: No.

23 THE COURT: Okay.

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: You have the right to have a case

1 against you, any federal felony case proceed against you by
2 way of grand jury indictment, has occurred with the
3 indictment, that now the government wish to supersede with
4 the information. If you want to, the government can be
5 required to present this document to the federal grand jury
6 to present evidence and have the grand jury determine
7 whether to bring these charges, do you understand that?

8 THE DEFENDANT: I do, Your Honor.

9 THE COURT: And is my understanding correct that
10 you're willing to waive, that is give -- give up your right
11 to grand jury prosecution and to proceed on the charge made
12 by the prosecutor in the superseding indictment?

13 THE DEFENDANT: That is correct, Your Honor.

14 THE COURT: And my understanding, to look ahead a
15 bit, in our anticipation, is my understanding that your
16 decision to do so is part of an overall plea agreement
17 between you and the United States government?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: I know I will ask you later, have you
20 read that agreement?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand it?

23 THE DEFENDANT: I do, Your Honor.

24 THE COURT: And did Ms. Grill have an opportunity
25 to review it with you?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And did she undertake to negotiate
3 that agreement with your consent and encouragement?

4 THE DEFENDANT: Yes, absolutely.

5 THE COURT: Are you fully and completely
6 confident that she's kept you absolutely informed at every
7 step along the way leading to this afternoon?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Are you fully and completely
10 satisfied that she has undertaken, to the best of her
11 ability, to represent you faithfully and adequately as
12 provided under the Constitution and laws of the United
13 States?

14 THE DEFENDANT: Absolutely.

15 THE COURT: Has she spent enough time with you
16 since being assigned as your attorney?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Has there been any way that you feel
19 short changed with regard to the time or attention that she
20 has given you?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Is there anything that she did that
23 you told her not to do while representing you?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Is there anything you told her to do,

1 you know, go talk to this witness, file that sort of
2 motion, undertake this approach, that approach, or do the
3 other thing, is there anything that you told her to do that
4 she simply did not do?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Or if you told her to do something,
7 did she take the time to explain to you why she had decided
8 not to do it --

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: -- if there were such a thing?

11 THE DEFENDANT: Yeah.

12 THE COURT: And if there were such a thing
13 involving the law, sort of motions or whatever, did she
14 explain the legal reasons why she didn't think it would be
15 in your self interest or appropriate to file those motions?

16 THE DEFENDANT: Yes, she did, Your Honor.

17 THE COURT: What about in terms of other aspects
18 or representation, if she undertook to do things that you
19 thought a lawyer should do on your behalf in the situation
20 in which you find yourself, and she didn't do them, did
21 she -- did she tell you why? Did she explain, well, you
22 shouldn't do that or can't do that or whatever, you
23 understand what I'm saying?

24 THE DEFENDANT: Yes, she took her time to explain
25 everything.

1 THE COURT: Are you fully and completely
2 satisfied --

3 THE DEFENDANT: Yes, I am, Your Honor.

4 THE COURT: -- from the outset of her
5 representation of you that she's given you and your case
6 enough time and attention to prepare both herself to serve
7 adequately as your lawyer, but also to prepare you for each
8 step of the proceeding?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. Ms. Grill, or Mr. Freeman,
11 Ms. Tangeman, are you able to represent to me that the
12 government followed the customary practice with regard to
13 making known to defense counsel either the essence, or
14 basically all of the evidence and information that the
15 government gathered during its investigation leading up to
16 the initial indictment?

17 MR. FREEMAN: That is correct, Your Honor. What
18 is typical procedure here, at least in this division, is
19 that we provide discovery in excess, under our obligations
20 under Criminal Rule 16, Brady, Giglio and Jencks. To put
21 it in more simple terms, basically what we have, the
22 defense has, Your Honor.

23 THE COURT: Yes, and of course that's customary
24 in this courthouse.

25 MR. FREEMAN: Yes, Your Honor.

1 THE COURT: Ms. Grill, is that your
2 understanding, that you have, as typically you do,
3 basically access to whatever the government has?

4 MS. GRILL: Yes, Your Honor.

5 THE COURT: Ms. Lecron, do you understand what
6 I've just discussed and confirmed with Mr. Freeman and
7 Ms. Grill in terms of the extent to which all the evidence
8 that the government gathered it made available to
9 Ms. Grill, do you understand?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And do you understand that that is,
12 in fact, what happened?

13 THE DEFENDANT: Yes.

14 THE COURT: And I don't want to know any details
15 with regard to any communications between you and
16 Ms. Grill, but is it your understanding that she has shared
17 that information with you and -- shared -- first of all,
18 shared it with you?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And could someone please have the --
21 there's a bit of noise.

22 U.S. MARSHAL: We just sent someone out there to
23 quiet them down.

24 THE COURT: Thanks, Deputy.

25 And I would assume, because that would be

1 certainly true if I were in your situation, there was a
2 fair amount of that stuff that you didn't understand at the
3 outset, is that correct, or at least there was some things
4 that you didn't fully understand or comprehend on what the
5 government had made available?

6 THE DEFENDANT: Not at first, Your Honor, but I
7 completely understand now.

8 THE COURT: Okay, that's my point.

9 THE DEFENDANT: Yes.

10 THE COURT: And you do so because Ms. Grill took
11 the time and gave you, the case, and that information
12 enough attention to go through it and answer whatever
13 questions you had; is that correct?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Is there any way whatsoever, or has
16 there been any time whatsoever when she failed to answer
17 whatever questions or concerns you may have had?

18 THE DEFENDANT: No, no, Your Honor.

19 THE COURT: And are you confident that you've
20 understood the answers she gave you and the opinions she
21 expressed? Did you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Once again, maybe not at the outset
24 but for the time you got together?

25 THE DEFENDANT: Yes.

1 THE COURT: I understand you're a layman and much
2 of this was new obviously, but my point simply is, as you
3 sit here today, you are confident that you know everything
4 you need to know, and probably more than that; is that
5 correct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Anything I should ask further,
8 Ms. Tangeman, Mr. Freeman, or Ms. Grill, before proceeding
9 with the Rule 11 plea colloquy?

10 MR. FREEMAN: No, Your Honor.

11 THE COURT: Okay.

12 MS. GRILL: No, Your Honor, except we do need to
13 execute the waiver of indictment.

14 THE COURT: That's right. Okay. Deanna's given
15 that to you.

16 COURTROOM DEPUTY: They have it Judge.

17 THE COURT: Okay. Before I begin, you understand
18 that I had you take the oath to tell the truth and nothing
19 but the truth, do you understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. And you understand that you
22 are duty bound in law to abide by that oath?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: To be truthful to the best of your
25 ability, you understand that even if you offer and I accept

1 your plea of guilty, the government could still prosecute
2 you if you were not entirely truthful for either making a
3 false statement or committing perjury, you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All of which is to say, among other
6 things, that you obviously are the person who has most at
7 stake in this proceeding. If at any time or in any way you
8 do not understand something, say so, I am in no rush. I
9 have ample time and opportunity, too serious a business for
10 me to, you know, run through it and overlook something,
11 whether trivial or important, do you understand that?

12 THE DEFENDANT: I understand, Your Honor.

13 THE COURT: If anything is going on that you
14 don't understand, or if something's going on that you
15 didn't anticipate or doesn't -- isn't what you expected,
16 once again, just let Ms. Grill know that you want to talk
17 to her or need some clarification or whatever, okay. And
18 by all means, let her -- if you do have any such questions
19 or having trouble following or don't understand, let her do
20 your speaking for you, take a time out, and go from there,
21 okay?

22 THE DEFENDANT: Okay.

23 THE COURT: And you have to say yes or no.

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Among other things, it's hard for me

1 to see somebody nodding up and down.

2 THE DEFENDANT: Right.

3 THE COURT: Okay. This obviously is an extremely
4 important proceeding, and I'm quite confident you
5 understand that.

6 THE DEFENDANT: I understand that.

7 THE COURT: Takes several steps. I'll tell you
8 what they are, and we'll be going through them.

9 First I have to determine that you are competent
10 to plead guilty, that is that you understand the nature of
11 the charges against you -- well, back up a little bit.
12 First of all, that your mind is clear. To that end, I ask
13 you, I know you've been in custody, have you had any
14 alcohol within the last 24 hours?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Have you had any drugs or medication
17 of any kind whatsoever in the last 48 hours?

18 THE DEFENDANT: Yes, yes, Your Honor.

19 THE COURT: Okay. And what kind of medication,
20 that is prescription medication of some sort?

21 THE DEFENDANT: Yes, Prozac is prescribed to me
22 through the jail, as is --

23 THE COURT: I heard Prozac, but then --

24 THE DEFENDANT: Prozac is prescribed to me
25 through the jail as is Trazodone and Depakote.

1 THE COURT: And do you -- or, Ms. Grill, do you
2 know what influence any drugs of that sort have on one's
3 mental acuity and ability to communicate and understand?

4 MS. GRILL: Your Honor, I'm not a medical expert,
5 but it's my understanding that medication has been helpful
6 to her. I have not had any time where she's not understood
7 our communication.

8 THE COURT: So you found no difficulty throughout
9 the course of your representation -- your ability to
10 communicate with her, or her --

11 MS. GRILL: Yes, Your Honor.

12 THE COURT: -- and her ability to appear to
13 understand what you were saying, formulate appropriate and
14 adequate responses to whatever you were discussing and so
15 forth?

16 MS. GRILL: I have not had any difficulty, Your
17 Honor.

18 THE COURT: Okay. Is that correct, have you
19 understood everything that's gone on this afternoon?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: At any time that you've been taking
22 any of those medications, have you felt or experienced any
23 difficulty in your cognitive abilities, that is your
24 abilities to think, to understand, to express yourself, any
25 sense of a diminution of any of those abilities while on

1 those medications?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: There will be a finding that the
4 defendant is competent to offer a plea.

5 The next step is that I will advise you of your
6 basic rights under the Constitution and laws of the United
7 States, principally, but by no means alone, of your right
8 to a have a trial and trial by jury, and to advise you of
9 the fact that you'll be waiving all of the rights which I
10 enumerated if you offer a plea of guilty except the right
11 to counsel, which you keep no matter what, and the right to
12 decide before you do whether to plead guilty or to proceed
13 to trial.

14 With regard to all the other rights that I will
15 enumerate, if you offer and I accept a plea of guilty, you
16 will be waiving, you'll be giving up all those other
17 rights, do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. Then I'm going to have
20 Mr. Freeman, because it's part of this process, even though
21 he just did it, to summarize the two new charges against
22 you to which the government and I gather you anticipate
23 you'll be offering a plea of guilty, and to restate the
24 maximum consequences upon conviction.

25 MR. FREEMAN: I will, Your Honor. I'd like to

1 just --

2 THE COURT: Time out. I haven't gotten there
3 yet, okay. Go ahead. I'm sorry. I'm just going through
4 the steps that we're going to be taking.

5 MR. FREEMAN: Okay.

6 THE COURT: But you -- go ahead.

7 MR. FREEMAN: The two charges, Your Honor, as
8 indicated at the outset of this hearing, Count 1 of the
9 superseding information is conspiracy to provide material
10 support or resources to terrorists, in violation of Title
11 18, United States Code Section 2399A. The elements of
12 Count 1 is the defendant conspired or agreed with at least
13 one other person to provide material support or resources,
14 or to conceal and disguise the nature, location, source, or
15 ownership, of material support or resources.

16 Two, the defendant did so knowing or intending
17 that such support or resources would be used in preparation
18 for, or in carrying out a violation of 18 U.S.C. Section
19 844(i), which is malicious damage and destruction of
20 property by fire and explosive material, or 2332A, which is
21 use of weapons of mass destruction.

22 And, third, the defendant knowingly and voluntary
23 joined that conspiracy. Count 2 of the superseding
24 information is transporting explosives in interstate
25 commerce in violation of Title 18, United States Code

1 Section 844(d). The elements of Count 2 of the superseding
2 information is the defendant transported or received or
3 attempted to transport or receive in interstate commerce
4 explosive material; and, two, the defendant transported or
5 received the explosive material with the knowledge and
6 intent that it would be used to kill, injure, or intimidate
7 any person, or to unlawfully damage or destroy any
8 building, vehicle, or other real or personal property.

9 THE COURT: Why don't you go ahead and restate
10 the penalties upon conviction, maximum penalties.

11 MR. FREEMAN: Certainly, Your Honor.

12 With Count 1, maximum term of imprisonment is 15
13 years, maximum statutory fine is \$250,000. The maximum
14 period of supervised release is life with a mandatory \$100
15 special assessment.

16 Count 2, statutory maximum is a maximum term of
17 imprisonment of ten years, a maximum statutory fine of
18 \$250,000, a maximum period of supervised release of three
19 years, and a special assessment, again, of \$100. So the --
20 those special assessments are in addition to one another,
21 meaning that a total of \$200 would be due immediately upon
22 sentencing.

23 In addition to those statutory penalties to
24 either count, The Court may order the defendant to pay the
25 cost of prosecution or restitution. And if the defendant

1 were to violate a term or condition of supervised release,
2 that she could be subjected to an additional period of
3 incarceration.

4 THE COURT: Okay. Did you hear what he said?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you understand the nature of the
7 charges against you?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: I realize it's legal language, but do
10 you understand really what they're talking about?

11 THE DEFENDANT: I understand, Your Honor.

12 THE COURT: Okay. And do you also understand the
13 potential -- maximum potential consequences upon
14 conviction?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Okay. Let me now return to the
17 advisement of rights. At the outset, I've already alluded
18 to this, you have the absolute right to trial. And if you
19 chose to have a trial, it would be a trial before a jury.
20 Do you understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: If you accept, offer, and I accept a
23 plea of guilty, there'll be no further trial of any kind
24 whatsoever, do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: The next stage will be preparation of
2 a Presentence Report, and a sentencing proceeding would
3 occur probably in about three-and-a-half months from now,
4 do you understand that.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: You understand that if there were a
7 trial, you would have the absolute right to be present at
8 all stages of the proceeding, and nothing could happen in
9 the courtroom, and certainly nothing in front of the jury
10 unless you were in the courtroom, do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: That is part of the right of
13 attendance, you would be able to work with your lawyer
14 during the process of selecting a jury and give her your
15 thoughts and insight and advice as to which of the jurors,
16 based upon their responses, you felt would be most fair and
17 impartial, do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. Do you understand that if
20 there were a trial, the government would have the duty, the
21 absolute duty, to produce evidence sufficient to persuade
22 the jury that you were guilty beyond a reasonable doubt, do
23 you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: You would have no obligation of any

1 kind whatsoever to do anything during the trial, and
2 certainly nothing -- you'd have no obligation to do
3 anything to assist the government in its efforts to
4 persuade the jury that you were guilty beyond a reasonable
5 doubt, you understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: That you could, though, if you chose,
8 both testify and present evidence, that would be your
9 choice with regard to whether to testify or not, do you
10 understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Nobody could make you testify if you
13 did not want to, do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: That's called the privilege against
16 self incrimination or the right not to be a witness against
17 oneself under the Constitution, you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: However, the choice of whether or not
20 to testify, if there were a trial, would be yours alone.
21 It's one of those aspects of this whole process where the
22 defendant and not the lawyer makes the decision. Do you
23 understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Even if Ms. Grill wanted you to

1 testify, you could say you didn't want to and she would
2 abide by that, and she would continue to represent you with
3 the same degree of competence and zealous advocacy that
4 she's displayed I'm sure to you as she does in all cases,
5 regardless of the fact that you made a decision that she
6 disagreed with. Do you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And on the other hand, if she felt
9 equally strongly that you should not testify, but you
10 disregarded that advice because you wanted to testify, the
11 effect would be the same. That's your decision to make,
12 and it wouldn't affect the work and effort that she put in
13 to defending you and trying to avoid a conviction. Do you
14 understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: You understand that, likewise, you,
17 working through her, would have the opportunity and right
18 if you wished to present evidence on your own behalf, that
19 is to have witnesses summoned, summoned into court, whether
20 they wanted to come or not, and to have evidence produced,
21 whether those who had that evidence wanted to produce it or
22 not, they could be compelled, without cost to you to, you
23 know, either bring the evidence or come to court and
24 testify. Do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: You would not have to do that, but it
2 would be really up to you, in consultation with your
3 lawyer, because it would be she who would make the various
4 decisions in that regard. But, of course, no doubt she
5 would do so taking into consideration your concerns and
6 desires, do you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Okay. Do you understand that in
9 addition to the right of being present at all stages of the
10 proceeding, that you would have the right to confront the
11 witnesses? What that really means is that you would have
12 the right to have the witnesses cross examined by
13 Mrs. Grill -- Ms. Grill, do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And the purpose of that, of course,
16 is to test the accuracy and credibility of any of the
17 evidence and testimony against you, do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: You would have the right to have her
20 do that. Likewise, what she did in that regard would be
21 her decision, but no doubt she would consult with you in
22 that regard. Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. Throughout the entire course
25 of the trial, if there were a trial, which there will not

1 be if you plead guilty, you are protected by what is called
2 the presumption of innocence. As you sit here right now,
3 even though we've talked about the likelihood, anticipation
4 of a plea of guilty, you are presumed innocent as a matter
5 of law. Do you understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: That you -- if at the end of this
8 proceeding you desire not to plead guilty, I'll set the
9 matter for trial, and all the things I'm telling you about
10 will still be yours, do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: You will have given up none of them.
13 The government will retain the burden of proof and its
14 obligation under the Constitution and laws to have a jury
15 convict you of one or more charges, only if the government,
16 and the government alone, have presented evidence
17 sufficient to persuade the jury beyond a reasonable doubt
18 that you were guilty. You understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: You also have the absolute right to
21 be represented by counsel at all stages of the proceeding
22 as you have so far. And as I mentioned earlier, that right
23 stays with you even if you plead guilty. You understand
24 that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Unlike all the other rights, that
2 right stays with you even after a plea of guilty. In
3 addition, you would retain, at least to some limited
4 extent, the right to appeal any error or mistake that I may
5 make during these proceedings or any other proceeding
6 relating to this case. You understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: I understand there's a plea
9 agreement; is that correct?

10 MR. FREEMAN: Yes, Your Honor.

11 THE COURT: And I assume there's been the
12 customary waiver of the right to appeal.

13 MR. FREEMAN: That is correct, Your Honor.

14 THE COURT: And Ms. Lecron, did you understand
15 what I just discussed in my exchange with Mr. Freeman?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: In other words, if you offer the
18 plea -- if you offer and I accept the plea of guilty --
19 basically your ability to challenge these proceedings is
20 quite limited, okay. You could only challenge the sentence
21 and your conviction if you were able to prove that
22 Ms. Grill and other attorneys had provided Constitutionally
23 ineffective assistance of counsel. You understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And what that means is that you would

1 have to prove that your lawyers didn't just make a mistake,
2 but that the mistake was of Constitutional dimension that
3 their representation was so inadequate that it violated
4 your fundamental rights under the Constitution and laws of
5 the United States, among them, but not limited to, would be
6 the right to due process of law and to competent
7 representation. Do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Isn't just that I forgot to dot some
10 I or cross some T, okay? And in addition to making that
11 showing, you would have to show that you were prejudiced by
12 that, that you suffered some legally cognizable, that is
13 legally recognizable prejudice at the outcome of this
14 proceeding, or the entire proceedings would have been
15 somehow different. You understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And that -- that -- that is one way
18 in which -- that's one respect in which you preserve the
19 right to appeal, or to challenge your conviction or your
20 sentence, but it's very limited. The other way is if I
21 were to impose a sentence greater than the statutory
22 maximum, you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: I understand there's certain
25 limitations on my authority to sentence you in the plea

1 agreement, we'll get to that shortly, but just by way of
2 example, let's say on Count 1 there's a 15 year maximum
3 sentence, that's the most I can impose. Let's say I gave
4 you a 20 year sentence, beyond the -- beyond the limit that
5 the law -- you can appeal that, okay? You understand what
6 I'm saying?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: But otherwise that's the only way in
9 which you can challenge your conviction or your sentence if
10 you offer and I accept your plea of guilty as provided in
11 your agreement with the government, you understand that?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: In other words, what we call a
14 limited right of appeal. And has Ms. Grill gone over that
15 and explained that to you?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Jumping ahead, you've read the plea
18 agreement, right, am I correct, you've read the plea
19 agreement?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Give me a moment, please. And of
22 course you have the right until you do otherwise to plead
23 not guilty.

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: That even though we're going down

1 this road, at any time before we reach the end and I ask
2 you how you plead, and even then you retain the right to
3 plead not guilty and all these rights I've talked about
4 remain yours to be exercised, do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Counsel, have I missed anything with
7 regard to advisement of rights under Rule 11 or otherwise?

8 MR. FREEMAN: No, Your Honor.

9 THE COURT: Ms. Grill?

10 MS. GRILL: No, Your Honor. Thank you.

11 THE COURT: Okay. Have you understood everything
12 so far, Ms. Lecron?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. And are things proceeding as
15 you anticipated and understood that they were likely to
16 proceed? Did you hear what I said?

17 THE DEFENDANT: I did not.

18 THE COURT: And have things proceeded so far in
19 the way and manner in which you anticipated they were
20 likely to proceed?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. Okay. Mr. Freeman, you've
23 already restated the charges and the penalties upon
24 conviction. I assume that you are an American citizen; is
25 that correct?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: So deportation is not a consequence,
3 I have to confirm that. And with regard to the advisement
4 of the nature of the charge and consequences of conviction,
5 Mr. Freeman, I don't think there's any -- anymore that need
6 be said, but if so by all means go ahead.

7 MR. FREEMAN: I don't believe there's anything
8 additional on that particular front, Your Honor.

9 THE COURT: Okay. Do you understand that if you
10 do offer and I accept a plea, I've already mentioned that
11 the next step is a presentence investigation and -- and the
12 sentencing proceeding, do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And having been advised, although it
15 may be moot in this case, that at sentencing I must give
16 due consideration to what we call the federal sentencing
17 guidelines, do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And, however, I am not bound by those
20 guidelines, in certain conditions I can disregard them, do
21 you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: I can impose a sentence greater than
24 the guideline or lesser than the guideline, I just can't
25 impose one greater than the statutory maximum, do you

1 understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Counsel, I would assume that given
4 the 11(c)(1)(c) nature of the plea agreement and the
5 stipulated sentence, that if I accept the agreement and the
6 plea, that will be the prescribed sentence; is that
7 correct?

8 MR. FREEMAN: That is correct, Your Honor.

9 THE COURT: And that's regardless of whatever the
10 guidelines may be?

11 MR. FREEMAN: That is correct, Your Honor.

12 THE COURT: Correct, Ms. Gill?

13 MS. GRILL: Yes, Your Honor.

14 THE COURT: Ms. Lecron, you understand what I
15 just said?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Basically in this case, although I
18 have to tell you what I just did about the guidelines, it
19 doesn't matter because you and the government have agreed
20 upon the sentence ultimately to be imposed; is that
21 correct?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And what is your understanding of
24 what that sentence will be?

25 THE DEFENDANT: Fifteen years.

1 THE COURT: Fifteen years?

2 THE DEFENDANT: Uh-huh.

3 THE COURT: And that the sentence -- I'm getting
4 a little bit lawyer like here, that sentence will be 15
5 years on Count 1, which is statutory maximum, correct, that
6 you would anticipate that it will be ten years on Count 2,
7 the statutory maximum, correct?

8 THE DEFENDANT: Correct. Yes. Yes, Your Honor.

9 THE COURT: However, the sentences, you'll serve
10 them concurrently, at the same time. In other words, it is
11 impractical, in fact, not necessarily in every respect,
12 you'll be receiving a 15 year sentence, correct?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: That's your understanding, rather
15 than potentially a 25 year sentence, you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And that is correct, counsel, right?

18 MR. FREEMAN: It is correct, Your Honor. I would
19 also highlight the supervised release agreement, seeing it
20 is slightly unusual even in binding plea agreements, that
21 pursuant to the agreement that the defendant is agreeing to
22 a life term of supervision upon her release from
23 incarceration.

24 THE COURT: Do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And I'm sure Ms. Grill has described
2 to you, at least in general, and I would just suspect
3 pretty specific detail, what being on supervised release
4 entails, in terms of how you must control and conform your
5 conduct to the terms and conditions of supervised release
6 and otherwise as The Court may order. Do you understand
7 that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And do you understand that if
10 sentence is pronounced in 14 weeks or whenever, that's what
11 happens, that period will be for the rest of your natural
12 life, do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: You will be under Court oversight,
15 supervision and control, do you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And that moreover, if, upon notice of
18 an allegation that you violated a term or condition of
19 supervised release, I, or my successor Judge or Judges,
20 were to find that, in fact, you had, you could be returned
21 to prison. Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Potentially for a very substantial
24 period of time, I don't know, I have no way of predicting
25 what that period might be, but, you know, it could be

1 substantial. Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And that's part of your agreement
4 with the government as well; is that correct?

5 THE DEFENDANT: That's correct, Your Honor.

6 THE COURT: Mr. Freeman, I think what I will do
7 is I will now determine -- is there a forfeiture provision
8 by the way?

9 MR. FREEMAN: There is not, Your Honor.

10 THE COURT: And there's no fine or restitution.
11 What I think I will do, given the fact that this is a
12 11(c)(1)(c) agreement, I think I will undertake now, a
13 little out of normal sequence, to determine whether the
14 plea will be knowing, intelligent and voluntary, and ask
15 you then, as part of outlining the factual basis upon which
16 you believe the government -- government's evidence would
17 be sufficient to convince a rationale jury that the
18 defendant is guilty beyond a reasonable doubt. When we do
19 that, after I've determined whether the plea will be
20 offered voluntarily, that you could also then make whatever
21 reference to other terms and conditions of the agreement
22 that you see pertinent, that you think I should have her
23 confirm, in addition, once again, to confirming that she's
24 read it and understand -- understood it, but you see what
25 I'm saying? Let me do voluntariness now, factual basis,

1 terms and conditions of the agreement then, okay?

2 MR. FREEMAN: Yes, Your Honor.

3 THE COURT: Work for you? Ms. Grill, okay with
4 you?

5 MS. GRILL: Yes, Your Honor, that's fine.

6 THE COURT: I'm assuming, because we all know
7 11(c)(1)(c) agreements are fairly unusual, okay, now I have
8 to determine whether your plea, when and if offered this
9 afternoon, is a voluntary decision. And by voluntary, I
10 mean that it is your choice, having considered the various
11 options, and being convinced that you have been well
12 prepared and well advised by capable counsel, that in light
13 of those options, it's the best thing for you to do as you
14 understand those options, you understand what I'm saying?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Speak more plainly, you find yourself
17 in a very tight and undesirable place, correct?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: That you understand -- or you should
20 understand that I understand nobody ever really wants --
21 wants to plead guilty to a federal felony of any kind
22 whatsoever, you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: But that's not the issue, whether you
25 really want to do it or not, the question is do you desire

1 to do it, and is that choice your own choice, and is it one
2 that you are convinced is the best choice for you to make?

3 THE DEFENDANT: It is the choice I would like to
4 make, yes, Your Honor.

5 THE COURT: Okay. And are you confident that in
6 coming to that conclusion --

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: -- that -- are you confident that
9 Ms. Grill has, in fact, given you enough -- let me ask once
10 again -- given you and your case and all the circumstances,
11 the facts, the law applicable, everything that could
12 possibly bear upon your decision, that she herself has come
13 to understand them and explain them to you in a way that
14 you comprehend so that you are confident that you really
15 are able to make the choice of what's best for you?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Did you understand my question?

18 THE DEFENDANT: Yes.

19 THE COURT: Little convoluted. Okay. Have any
20 threats or promises been made to you by anyone, anyone
21 representing the government, Ms. Grill, anyone representing
22 me or The Court or anybody else, any third party, or any
23 family member or anybody else, any threat to do you or
24 anybody close to you any kind of harm, physical, emotional,
25 financial harm or injury of any kind, has any threat been

1 made by anybody that has influenced your decision to plead
2 guilty?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Okay. I understand that in one sense
5 there's the threat of a worse outcome, that isn't really a
6 threat -- that's not the kind of threat I'm talking about,
7 do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Likewise, has anybody made any
10 promise to you, anybody on behalf of the government,
11 prosecutor's office, Ms. Grill, on behalf of The Court or a
12 third party made any promise to you of any benefit of any
13 kind or benefit to a third party except the promises that
14 the government has included in the plea agreement?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Okay. And you had ample opportunity
17 to consult with Ms. Grill about all of this, is that fair
18 to conclude?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Okay. There'll be a finding that
21 defendant's offer of a plea, when and if it happens, will
22 be knowing, intelligent and voluntary.

23 Mr. Freeman, I will now ask you to do the two
24 things I indicated. First, to present, in summary form,
25 the factual basis for the plea that you believe the

1 government's evidence would sustain and enable a rationale
2 jury to find the defendant guilty beyond a reasonable doubt
3 of both charges, and, likewise, if you could then comment
4 upon any salient aspects of the plea agreement that would
5 be called to my attention, or the presence of which I
6 should confirm with Ms. Lecron.

7 Before doing that, Ms. Lecron, did you read the
8 plea agreement?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Did Ms. Grill go over it with you?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Whatever questions or concerns that
13 you may have had, were you able to express them to her, and
14 did she respond to them adequately and satisfactorily?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Are you thoroughly and completely
17 confident that, indeed, the explanation that she has
18 provided was not just comprehensible but comprehensive?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Is there anything, again, that she's
21 left undone that you wanted her to do before coming here
22 today?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Mr. Freeman, so, first, the factual
25 basis, and then, as I say, any salient aspects of the plea

1 agreement, including the 11(c)(1)(c) nature of that
2 agreement?

3 MR. FREEMAN: Yes, Your Honor. Beginning with
4 the factual basis, a summary of the evidence that could be
5 proven beyond a reasonable doubt at trial begins on Page 6
6 of the plea agreement and goes all the way to the bottom of
7 Page 9.

8 For Count 1 of the superseding information, which
9 is conspiracy to provide material support and resources to
10 terrorists: From in or around April of 2018 to
11 December 10th of 2018, in the Northern District of Ohio,
12 Western Division, defendant Elizabeth R. Lecron did
13 knowingly and intentionally conspire, combine and agree
14 with Vincent Armstrong to provide material support and
15 resources, and to conceal and disguise the nature,
16 location, source, and ownership of material support and
17 resources, to wit property, services and personnel
18 including themselves, knowing and intending that they were
19 to be used in preparation for and in carrying out
20 violations of Title 18, United States Code Section 844(i),
21 which is malicious damage and destruction of property by
22 fire and explosive materials.

23 And in 2332A, which is the use of weapons of mass
24 destructions, defendant Elizabeth R. Lecron, met Vincent
25 Armstrong in approximately February of 2018. They started

1 dating a few months later and moved in together at a
2 residence in Toledo, Ohio. Shortly after meeting, Lecron
3 expressed her interest in mass murders to him and
4 introduced Armstrong to the, quote, true crime community,
5 end quote, commonly referred to as the TCC. The TCC was a
6 group that operated across numerous social media platforms
7 that fixated and lionized mass murderers with its members,
8 posting extremely graphic images, videos and sayings.
9 Lecron primarily used Tumblr to participate in this group
10 under the user name, quote, ligaturemarkings, end quote,
11 and then later under, quote, charlestonchurchmiracle, end
12 quote. Armstrong joined the Tumblr TCC community using the
13 profile name, quote, societysheretic, unquote.

14 Lecron routinely posted items about the Columbine
15 High School shooter and Charleston Church shooter,
16 including calling them, quote, God like. Armstrong made
17 TCC posts including words, quote, I wanna contribute to the
18 chaos, end quote.

19 Lecron and Armstrong privately discussed
20 committing their own mass murder in the Toledo area. They
21 referred to this attack as D-Day. They discuss using both
22 guns and explosives during the attack to kill, injury and
23 intimidate people. They took several steps in preparation
24 for D-Day. Armstrong owned an AK-47 semi-automatic rifle
25 prior to the formulation of the plan; however, Lecron

1 purchased a Savage shotgun with Armstrong. Both guns were
2 to be used during the attack. Additionally, Lecron and
3 Armstrong went to the shooting range to practice their
4 firearm skills.

5 Lecron showed Armstrong a website that had
6 detailed instruction on how to make improvised bombs that
7 they continued to use during the attack. Armstrong visited
8 the website and printed the instructions to make a pipe
9 bomb. Lecron and Armstrong agreed to buy parts for the
10 pipe bomb, specifically on June 3rd of 2018. Armstrong
11 purchased end caps and a drill from a local hardware store.
12 They discussed the additional parts still needed like the
13 guts, meaning the explosive materials.

14 THE COURT: I'm sorry, like the what?

15 MR. FREEMAN: Guts, G-U-T-S.

16 THE COURT: Okay.

17 MR. FREEMAN: They agreed to build the pipe bomb
18 together and to use them during the planned attack. Lecron
19 and Armstrong agreed on what they were going to wear during
20 the attack. Armstrong purchased a trench coat and a
21 T-shirt that read, quote, Society Failed Us, end quote.
22 Lecron purchased combat boots, T-shirt that read False
23 Prophet, end quote.

24 Lecron and Armstrong discussed several possible
25 targets of this attack, to include attacks at a local mall

1 during an annual costume party, and at a second floor bar
2 in downtown Toledo, but ultimately they settled on the
3 second floor bar. This bar was engaged in activity that
4 affected interstate commerce. Lecron and Armstrong agreed
5 to use the explosives they were building together and the
6 firearms to commit the attack at the bar, knowing and
7 intending that they would cause damage to the bar and
8 injure and kill people in the bar.

9 Armstrong wrote about D-Day in his journal,
10 specifically in a journal entry dated June 8th of 2018,
11 Armstrong wrote, quote, now I have these thoughts. These
12 memories, they haunt me. I have a vision, a vision to
13 kill, to hunt the unwilling, these peasants to society, the
14 hatred to the human race is bewildering, it feels so good
15 to know I will end it all very soon. I'm buying a knife
16 this weekend to slay my prey, to shake things up in the
17 world. I have also bought caps from a local hardware store
18 for bombs, pipe bombs to be exact. Soon we will bring
19 destruction on society. Fuck them. They are worthless
20 Ungodlike scum who want to live by their rules and
21 constructs, end quote. Below the text there's a stick
22 figure drawing of a person shooting another person in the
23 head.

24 Lecron made similar journal entries in her own
25 diary about D-Day. In a journal entry dated June 5th of

1 2018, Lecron wrote that visiting friends this weekend was
2 exhausting but that, quote, D-Day will be my salvation, end
3 quote. In a journal entry dated June 8th of 2018 she
4 wrote, quote, Vinny, referring to Mr. Armstrong, and I got
5 into a fight last night, not really a fight, fight but I
6 caught him being dishonest. I'm really hurt. Truly. Why
7 does this happen to me? I still love him immensely and
8 D-Day is on track, end quote.

9 In a journal entry dated June 12th of 2018,
10 Lecron wrote, quote, I have to practice with my Savage,
11 referring to her shotgun, more. I'm not good enough yet,
12 practice makes perfect, end quote. Below the entry is a
13 drawing of a dead angel.

14 In August of 2018 Lecron and Armstrong flew from
15 Detroit to Denver to visit the sites related to the
16 shooting at Columbine High School. Lecron detailed this
17 trip on her Tumblr profile. She posted photographs at
18 Columbine High School and the victims' memorial. In these
19 posts, Lecron stated their next trip would be to Charleston
20 to visit, quote, the church, end quote, a reference to the
21 mass murder that occurred there.

22 Lecron and Armstrong devised their cover-up story
23 if they were caught planning or committing their D-Day
24 attack, specifically they agreed to tell others that their
25 plan to commit mass murder was merely, quote, role playing,

1 end quote.

2 On December 10th of 2018, law enforcement
3 executed a search warrant at their house and vehicles. In
4 the trunk of Armstrong's vehicle was a duffle bag
5 containing a tactical vest with two loaded magazines for an
6 AK-47, two loaded magazines for a pistol, a white T-shirt
7 with black letters with, quote, Society Failed Us, end
8 quote. A black trench coat, gas masks, a printout from a
9 website with instructions on how to construct various
10 bombs, and instructions to pick a lock. In the residence
11 law enforcement seized an AK-47, two shotguns, including
12 the one purchased by Lecron, two handguns, and ammunition
13 for the guns.

14 In reference to Count 2 of the superseding
15 information, on or about December 8th of 2018 in the
16 Northern District of Ohio, Western Division, defendant
17 Elizabeth R. Lecron, did transport and receive, and
18 attempted to transport and receive, in interstate commerce
19 explosive materials, to wit: Hodgdon Triple Seven
20 Muzzleloading Propellant, with the knowledge and intent
21 that the explosive material would be used to kill, injure
22 and intimidate any individual, and unlawfully to damage and
23 destroy any building, vehicle or other real or personal
24 property.

25 In August of 2018, Lecron began communicating

1 with a confidential human source referred to as a C.H.S, on
2 Tumblr's TCC group about mass shootings and tragedies.
3 Through the conversation Lecron learned that the C.H.S was
4 from Northwest Ohio and invited him or her to meet in
5 person. The two met several times in Toledo, including at
6 a second floor bar. During these in-person meetings,
7 Lecron expressed her interest in conducting a violent
8 attack.

9 On September 11, 2018, C.H.S introduced Lecron to
10 two other like-minded people who were actually undercover
11 agents with the Federal Bureau of Investigation. The
12 undercover agents posed as experienced extremists with the
13 capabilities of conducting a sophisticated attack as she
14 had desired. During the meeting, the four individuals
15 discussed conducting a bombing attack. Lecron said I want
16 to get -- I want to get out there. I want to, like, you
17 know, be part of it, you know, I want to help any way I
18 can. I've never had an in to this sort of thing, so now
19 that I do, I just want to do anything I can. I originally
20 had an idea to, ah, to disrupt a slaughter house, but for
21 the life of me I cannot find it. I want to disrupt
22 something like that, end quote. When asked by the
23 undercover agent if she had any concern about human
24 casualties, Lecron replied, quote, take them out. I don't
25 really feel any type of way for that. I'm here to send a

1 message and to get the job done. If they are in the way of
2 the explosion, they're probably part of the problem so
3 maybe it's for the best, end quote.

4 On December 4 of 2018, C.H.S. called Lecron to
5 ask for help in a plan to bomb a pipeline in Georgia.
6 C.H.S. stated, quote, anyway what we need help with is --
7 it is really suspicious when someone goes into, like, a
8 sporting goods store and buys, you know, 10 or 20 pounds of
9 black powder, so we're looking for people to help spread it
10 out and buy, like, three or four pounds for these pipe
11 bombs. So if you're willing to, like this weekend to or
12 something, just pick up, like, two or three pounds, even
13 that would be an enormous help, end quote. Lecron replied,
14 quote, absolutely, end quote, and she -- and that she could
15 purchase the black powder that weekend. Lecron concluded
16 the conversation, quote, thank you so much. Hell, yeah,
17 this is exactly what I wanted to do, end quote.

18 On December 8th, 2018 Lecron purchased two pounds
19 of Hodgdon Triple Seven Muzzleloading Propellant from a
20 retailer in Rossford, Ohio. The product was manufactured
21 in Kansas. Lecron then purchased 665 screws from another
22 retailer nearby. She gave both the propellant and the
23 screws to C.H.S. After giving the items to C.H.S, Lecron
24 said, quote, so I guess I'll talk to you when the deed,
25 referring to the bombing of the pipeline, is done. I'm

1 very excited. Stick it to him, man. Be safe. And left.

2 The defendant understands that those are just
3 summaries and not -- does not set forth each and every fact
4 that could be proven at trial.

5 THE COURT: Ms. Lecron, did you hear that
6 recitation?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Is it all true, correct, and
9 accurate?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Is there any way in which it is not
12 accurate or correct?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: And would you agree with Mr. Freeman,
15 that the government has other evidence that it could use if
16 it chose to do so in the event there were a trial?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Okay. And that that evidence,
19 according to your understanding, would likewise be
20 inculpatory and further its ability to have a jury find you
21 guilty beyond a reasonable doubt, is that your
22 understanding?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. There will be a finding that
25 there's an adequate factual basis to sustain a jury if that

1 evidence were presented to it, and a finding of guilty
2 beyond a reasonable doubt of each of the two charges.

3 Mr. Freeman, are there other aspects of this
4 agreement which I know requires my acceptance of it and its
5 terms and conditions in order for it to become -- come into
6 effect? Is there anything else that you think --

7 MR. FREEMAN: Yes, Your Honor. I just have a few
8 loose ends that I would like to put on the record. One,
9 that in exchange for her guilty plea here today to Count 1
10 and 2 of the superseding information, United States
11 Attorney's Office does agree not to bring any other
12 criminal charge against this defendant related to conduct
13 charged in the information, and/or described in the
14 factual -- factual basis, that is within the knowledge of
15 the U.S. Attorney's Office at the -- at today's date, the
16 date of the execution of the plea agreement.

17 There's also a few other miscellaneous, that she
18 understands that if she breaches any promise in this
19 agreement, commits additional crimes, obstructs justice, or
20 attempts to withdraw this guilty plea, or it is rejected or
21 vacated or set aside, that the United States Attorney's
22 Office will be released from all of its obligations and
23 could pursue or add additional charges as deemed necessary.
24 This agreement is only binding on the United States
25 Attorney's Office for the Northern District of Ohio, and

1 that each party are free to advocate or advise The Court of
2 things not expressly addressed within the plea agreement.
3 And I think it is worth noting just one more time that the
4 crux of the written plea agreement before The Court to
5 accept is that if she were to plead guilty, that the
6 parties agree, and The Court agrees, to sentence her to 15
7 years of imprisonment with a lifetime of supervision.

8 THE COURT: Did you hear all that and understand
9 it?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And is that your understanding of
12 what, at least in part, the plea agreement contains?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: You've read the plea agreement?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: I've asked you that. You've gone
17 over it with Ms. Grill?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Are you fully and completely
20 satisfied that it is your decision and in your best
21 interest to sign the plea agreement; and upon its
22 acceptance by me, to offer pleas of guilty to the first two
23 counts in the superseding information?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: You understood my question?

1 THE DEFENDANT: Yes. Yes, Your Honor.

2 THE COURT: Okay. One minute, please. I'm
3 familiar with the terms and conditions of plea agreement.
4 I believe that defendant is competent to plead guilty. She
5 understands the -- her right to trial and attendant rights,
6 she understands the waiver of the rights which I have
7 enumerated, except the right to counsel and the right,
8 under very limited circumstances, to appeal. You do
9 understand that in the event you were in any way whatsoever
10 to breach any condition of the plea agreement, to speak
11 plainly, all bets are off, the government has returned to
12 the position that it was in before you decided to enter the
13 plea agreement, that is to prosecute you for these charges
14 and any other charges that it thought it could prove, and
15 to seek the maximum potential sentence that would follow
16 upon conviction of those charges, you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: In other words, you are -- you both
19 are bound, and more importantly, you understand the
20 consequences of changing your mind once I've accepted the
21 plea or otherwise challenge -- challenging any of the terms
22 or conditions of consequences, except in the very limited
23 way that I tried to describe to you earlier, do you
24 understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: If you do so, the government is
2 released entirely from its obligations and can prosecute
3 you as fully and as vigorously as it could -- as it could
4 had you never pled guilty, do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: You also understand that any
7 statements you have made, including your acknowledgment
8 this afternoon of the truthfulness and accuracy of the
9 statements that were just recited, could be used against
10 you in the event the plea agreement and plea were
11 abrogated, that government proceeded to charge you and
12 prosecute you, do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. There will be a finding that
15 the defendant's plea, when it is offered, to repeat, it
16 will be offering knowingly, intelligently and voluntarily,
17 that with full cognizance of the nature of the charges, the
18 consequences of conviction, that there's an ample and
19 adequate factual basis to sustain a conviction. If that
20 were the evidence presented by the government to the -- to
21 a jury, and I believe unquestionably that the government
22 has the wherewithal and would be legally and able to
23 present that evidence for the jury's consideration, and I
24 do find that the plea agreement is acceptable. I will, at
25 the time of sentencing, abide by its agreements and impose

1 a term of 15 years on Count 1, ten years on Count 2, a term
2 of life supervised release as to Count 1, with the three
3 years as to Count 2. That term to run consecutively --
4 concurrently with the life term of supervised release.
5 There will be a special assessment of \$100. There'll be no
6 fine or restitution.

7 Anything else I need to say about my acceptance
8 of the terms and conditions of the Rule 11(c)(1)(c) plea
9 agreement, Mr. Freeman?

10 MR. FREEMAN: Just a few things, Your Honor,
11 that, one, there's a defendant's initial block at the
12 bottom of each page, and ultimately her signature, that by
13 her affixing her initials and signature that she
14 understands the terms and conditions of the plea agreement,
15 and that she will do so here in court. And then ultimately
16 The Court will ask her for her plea of guilty to Count 1
17 and 2.

18 THE COURT: Yeah, I'll do that afterwards.
19 Ms. Grill, is there anything further that I should explain,
20 inquire about, or find out -- find and conclude?

21 MS. GRILL: I don't believe so, Your Honor. We
22 just need to execute the agreement.

23 THE COURT: Okay. Ms. Lecron, I now ask you to
24 review the plea agreement with Ms. Grill, let her know if
25 you have any questions or concerns. And if not, then

1 proceed accordingly.

2 Ms. Lecron, let me ask you, if I can, call
3 upon -- let me ask you before I call upon you to offer
4 your -- what plea do you offer, is there any way whatsoever
5 in which you have any doubts -- is there any way -- first
6 of all -- excuse me. Let me strike all that.

7 Is there anything of any sort that you, in any
8 way, believe that you do not understand?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Is there anything about Ms. Grill's
11 representation that you either disagree with or that you
12 believe in any way whatsoever has been insufficient?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Do you feel well and adequately
15 represented?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Quite candidly, do you think The
18 Court could have appointed you a better or more competent
19 attorney than Ms. Grill?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Neither do I in all sincerity.

22 THE DEFENDANT: I agree.

23 THE COURT: Do you have any hesitation about
24 having agreed to the plea agreement, signed it, and in a
25 moment or two offering a plea of guilty as provided in that

1 agreement?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: And it is what you want to do?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: You've had an ample opportunity to
6 consult with her, and perhaps others, but as you sit here
7 right now, this is your choice, made to the maximum extent,
8 freely and voluntarily, because it's what, given all the
9 facts and circumstances that bring you here today, it is in
10 your best interest to take this step, is that correct?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. So I ask you, what is your
13 plea to Count 1 of the superseding information?

14 THE DEFENDANT: Guilty, Your Honor.

15 THE COURT: What is your plea to Count 2 of the
16 superseding information?

17 THE DEFENDANT: Guilty, Your Honor.

18 THE COURT: Okay. I've already indicated that
19 I'm familiar with the terms and conditions of the plea --
20 excuse me, with the plea agreement, with the factual basis,
21 and the principle condition that this is binding upon the
22 government and the defendant, subject to the condition that
23 I find it to be acceptable, and ultimately in the best
24 interest of United States government and the people whom it
25 represents, I do so.

1 Let me also say, because there's one other thing
2 that occurred to me, Ms. Grill, I assume without going into
3 detail, that you undertook to explain any theories of
4 entrapment or inducement or whatever, and that you are
5 persuaded, as I am, that the government's conduct of its
6 investigation gave no reason to have any -- any expectation
7 or and anticipation that that, in any way whatsoever, would
8 be a viable defense, is that a fair inference for me to
9 draw?

10 MS. GRILL: Yes, Your Honor. We've discussed all
11 the potential defenses.

12 THE COURT: Because all too commonly that's sort
13 of an impression that people have, in many cases,
14 especially cases like this. And it's -- it is, in my
15 experience, at least in cases that I've had here, always a
16 misimpression. Just by way of -- it were disclosure,
17 through conversations with counsel for the parties, I've
18 been appraised of some of the facts and circumstances of
19 the investigation. It's my understanding, and Mr. Freeman,
20 Ms. Tangeman, you can correct me if I'm wrong because I do
21 not want to overstate it, but that some very significant
22 steps have been taken, that the conspiracy had been formed?
23 In other words, Ms. Lecron and Mr. Armstrong had reached an
24 agreement to commit a series of unlawful acts which
25 ultimately fall within the definition of the two statutes

1 to which she'd pled guilty, and that not only had they
2 reached that agreement to commit those unlawful acts, and
3 they had done so knowingly and -- and intentionally and
4 deliberately, they had also taken certain very substantial
5 steps, committed what we call overt acts, but, in fact, it
6 had gotten underway with doing some of the things essential
7 to accomplish those unlawful acts before their activities
8 and plans had become known to the government; is that
9 correct, Mr. Freeman?

10 MR. FREEMAN: That's correct, Your Honor.

11 THE COURT: That, in fact, although the
12 conspiracy was a long way from accomplishment of its
13 preparation, or certainly its accomplishment of its
14 objective to cause injury, potentially death on a very
15 substantial scale, potentially of dozens of people, is that
16 a fair description of what might have happened had this
17 investigation not been undertaken and reached a successful
18 conclusion?

19 MR. FREEMAN: It is, Your Honor.

20 THE COURT: And that once a private citizen who
21 somehow had become aware of these plans, I don't know
22 whether aware of any of the steps that had been taken, but
23 at least what these two individuals had in mind, and
24 apparently to a serious degree, that private individual
25 came forward and informed the government; is that correct?

1 MR. FREEMAN: We did receive a tip, Your Honor,
2 that's correct.

3 THE COURT: Received a tip, but received
4 sufficient information to cause the investigation to get
5 underway; is that correct?

6 MR. FREEMAN: That's correct, Your Honor.

7 THE COURT: And when it did, I simply want to
8 confirm that, in fact, substantial, but by no means
9 complete or fully accomplished or perfected steps had been
10 taken in the direction of committing those crimes; is that
11 correct?

12 MR. FREEMAN: That's correct, Your Honor.

13 THE COURT: I say that simply, quite candidly and
14 publicly, I wish to acknowledge that that individual did
15 so, he or she may or may not have apprehended some adverse
16 consequence that might come to him or her, but I simply
17 want to say whoever that person is, I don't know, I never
18 will know, and I trust that the public itself may never
19 know. Ms. Lecron, you and Mr. Armstrong, and I will make
20 this clear at time of sentencing, to the extent you suspect
21 or think you know whoever that individual is whose
22 willingness to make the government and authorities aware of
23 what was going on and, in effect, put in motion what brings
24 you here today, I trust you understand and have been dually
25 cautioned, both by governmental authorities and Ms. Grill

1 and perhaps others, that if you think you know or do know
2 that individual, you are never to have any contact,
3 directly or indirectly. You're never to reach out to,
4 associate with or in any way attempt to influence or cause
5 harm to that individual whatsoever. I'm sure you
6 understand that.

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Okay. Also wish to commend the work
9 of the -- and I assume they're both local and federal law
10 enforcement agents who make up, according to my
11 understanding, the joint counter terrorism task force who
12 obviously diligently and successfully and entirely within
13 the bounds of the law, particularly as they do relate to
14 inducement and entrapment, brought this investigation to
15 its clearly successful and appropriate solution, and to its
16 end and to conclusion. In doing so, the work that you
17 undertook and -- at the -- based upon the information that
18 you received, quite otherwise had not been accomplished,
19 and in which case we would have had a mass murder of an
20 unimaginable scope and dimensions here in our own Toledo
21 community, which, quite candidly, I think for all sensible
22 rationale people, and I hope for you, Ms. Lecron, and
23 Mr. Armstrong, is a frightful thing to consider. I
24 certainly hope that at the time of sentencing you're able
25 to persuade me that you understand just how frightful what

1 you had in mind was and would have been, and I hope for
2 your sake and your own well being that you find it in
3 yourself truly to be remorseful, not that you were caught,
4 not that you're convicted, not that you'll be sentenced,
5 but, in fact, that you understand just how dreadful and
6 humane and inexcusable the things that you were planning
7 and intended to do, and I'm persuaded, beyond a reasonable
8 doubt, that you, in fact, intended to kill dozens or at
9 least several innocent people, probably several young
10 people of your own age cohort, and to injure, probably
11 permanently, to a greater or less extent, dozens of other
12 persons in a public location for reasons that, quite
13 candidly, I find incomprehensible and inexplicable. But I
14 do hope some day whatever feelings you may feel today, no
15 doubt of regret that you are here today, no doubt that
16 you've been prosecuted, apprehended and prosecuted,
17 convicted, and will stand sentence some day -- regret is
18 understandable, you've ruined a life, to a large extent
19 that might otherwise have been full of hope, promise and
20 success, but that's not the same as true remorse, really
21 isn't.

22 But in any event, in closing, I also wish to
23 commend the work of the United States Attorney's Office,
24 and most particularly your work, Ms. Grill. I've become
25 familiar over the years with the qualities that each of you

1 individually and institutionally represent and the work
2 that you do on behalf of your -- of your clients and on
3 behalf, ultimately, both of you, for the citizens and the
4 society which you serve, and I commend all of you for that.

5 Is there anything further on behalf of the
6 government?

7 MR. FREEMAN: No, Your Honor. Thank you.

8 THE COURT: Ms. Grill, is there anything further?

9 MS. GRILL: No, Your Honor. Thank you.

10 THE COURT: That will conclude these proceedings.
11 Sentencing will occur in about 14 weeks. You'll be visited
12 by a probation officer, you have the absolute right to have
13 your lawyer with you, and you should.

14 You'll receive copies to review of the
15 Presentence Report, right to make objections, and after
16 which time sentencing will occur on what date, Deanna?

17 COURTROOM DEPUTY: Judge, we'll set that at a
18 later date.

19 THE COURT: We'll set it at a later date, that's
20 fine.

21 That will conclude these proceedings. Thank you.

22

23

24

25

C E R T I F I C A T E

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

s:/Angela D. Nixon September 30, 2019

Angela D. Nixon, RMR, CRR Date